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CITATIONS

721588—46——1

In the Supreme Court of the United States

OCTOBER TERM, 1946

No. 641

LOUISVILLE PROVISION COMPANY, PETITIONER

v.

COMMISSIONER OF INTERNAL REVENUE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF FOR THE RESPONDENT IN OPPOSITION

OPINIONS BELOW

The memorandum findings of fact and opinion of the Tax Court (R. 588–621) are not officially reported. The opinion of the circuit court of appeals (R. 680–689) and memorandum opinion on the rehearing (R. 704–706) are reported in 155 F. 2d 505.

JURISDICTION

The judgment of the circuit court of appeals was entered on February 12, 1946 (R. 679). A petition for rehearing was denied on May 28, 1946 (R. 703). On August 15, 1946, Mr. Justice

Burton extended the time within which a petition for a writ of certiorari might be filed to and including October 26, 1946 (R. 707). The petition was filed on October 24, 1946. The jurisdiction of this Court is invoked under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925.

QUESTIONS PRESENTED

1. Whether the circuit court of appeals and the the Tax Court erred in upholding the Commissioner's determination that the burden of all the unpaid processing taxes had been passed on by the taxpayer to its customers.

2. Whether the circuit court of appeals and the Tax Court erred in approving the action of the Commissioner in determining the amount of the net income subject to the unjust enrichment tax imposed by Section 501 of the Revenue Act of 1936.

STATUTE AND REGULATIONS INVOLVED

The applicable provisions of the statute and regulations involved are set out in the Appendix, *infra,* pp. 17–23.

STATEMENT

The taxpayer, a Kentucky corporation, was organized in 1932, after acquiring most of the assets of a bankrupt corporation of the same name, and has since been engaged in the general meat packing house business. It purchased and slaughtered

cattle, sheep, calves, and hogs and sold the product in its fresh state or otherwise after further processing. (R. 588, 589).

All the beef produced by the taxpayer from its own slaughtering and purchased by it from other packers was sold in a fresh state without further processing except such amounts as were used by it in the manufacture of chili, corned beef, and sausage. Veal and lamb produced by the taxpayer were sold in a fresh state without further processing. Fresh pork purchased by the taxpayer from other packers as well as that produced by it from its own slaughtering was sold by the taxpayer in a fresh state or after further processing into sausage, cured, smoked or cooked meats. Fresh hams purchased by the taxpayer were commingled with like products cut from hogs of its own slaughter and lost their identity. About 99 per cent of the fresh hams purchased by the taxpayer from other packers and cut from hogs of its own slaughter was processed into smoked hams by the taxpayer. From 85 to 90 per cent of the shoulders of hogs were cured and smoked, and practically all of the bacon cuts were processed into bacon. Sausage produced by the taxpayer was manufactured from meats produced from its own slaughter and purchased from other packers. Some of it was manufactured exclusively from pork. Other sausage contained from eight per cent to 80 per cent pork, based upon finished weight, and the remainder beef. All boxed sliced

bacon and boiled and baked hams were of the taxpayer's slaughter. It cost the taxpayer more per pound to process pork than it did to process beef. (R. 590.)

During the time the Agricultural Adjustment Act was in effect, taxes imposed thereunder for the processing of hogs were treated on the books of the taxpayer as part of the cost of hogs. The taxpayer endeavored to recover all of its costs of doing business, including state and federal taxes, and operate at a profit. (R. 591.)

The books of the taxpayer contain separate accounts showing the amounts paid by it for hogs, cattle, calves and sheep and the weight thereof. Purchases of other material for resale were kept in two other accounts. One account, known as the produce account, contained costs of poultry, butter and eggs, and other produce articles, and the other account, captioned "Miscellaneous Meat Purchases" carried all other items purchased for resale or the manufacture of sausage. The accounts did not show the amount paid for each article. Separate accounts were maintained for purchases of spice, salt, casings, cartons, and similar articles, but no allocations of the amounts of each were ever made to departments of the taxpayer's business, *i. e.,* to the beef, produce, compound, inedible, pork and sausage departments. Invoices for all of the purchases are still in the possession of the taxpayer and they show the character and amount of each item. Freight paid

on purchased articles was entered in one account without allocation to the product in respect of which it was paid, and the taxpayer was unable to make an accurate allocation to the several departments of its business. The taxpayer's records show only the gross amount of freight paid on articles sold, and allowances made to vendees. Pay roll records of the taxpayer show the amount paid each employee and the character of work performed by him. Some employees worked in more than one department. Costs of light, heat and power, laundry, repairs, rent, depreciation of machinery and equipment and of similar items were kept in appropriate accounts, but without allocation to the different products in respect of which such costs were incurred. Commissions and expenses, delivery costs and administrative expenses were not allocated on the taxpayer's books among departments. (R. 591–592.)

The taxpayer's receipts from sales were entered in about 25 general classifications. Sales of beef, veal and mutton were carried in one account; separate accounts were maintained for sausage, and various cuts of beef. The taxpayer's records show the amounts received during the taxable year from the sale of each of the different pork products sold by it and the sales weight of each, but without allocation as between own-slaughter pork and pork purchased from other packers. The purchase price of materials purchased on the outside for the manufacture of sausage was

charged to the taxpayer's sausage department as a cost of manufacture. The taxpayer was able to determine from an examination of invoices received for purchased meat whether or not the items were to be sold without or after further processing by it. Beef and pork of the taxpayer's own slaughter used in the manufacture of sausage were charged to the sausage department at the prevailing market price, with a balancing credit to the department from which it was transferred. The charge made for the beef transferred in the taxable year was $62,929.32, this being the value of the meat based upon the Chicago market. Sales of boiled and baked hams were carried in a separate account. The taxpayer's records show the total weight and selling price of beef, veal and mutton sold during the taxable year and the amount received for hides. They also show total receipts from grease, tankage, bones and tallow respectively, but no allocation thereof as between beef and pork or as between own-slaughter pork and purchased pork. Amounts received from the sale of grease were credited by the taxpayer to pork income. (R. 592–593.)

The taxpayer kept a daily record of the amount of beef and pork used in the manufacture of sausage that day and the amount of sausage made each day. The record did not, however, show what portion of the meats was purchased from other packers. The taxpayer's sales records show the pounds of sausage sold each month and the

amount received therefor, but they contain no allocation as between beef and pork and as between own-slaughter and purchased pork. Invoices in the possession of the taxpayer show the amount of beef and pork purchased for, and used in, the production of sausage. (R. 593.)

The taxpayer's price lists, issued weekly, were based upon the Chicago market, modified, when necessary, to meet local conditions, including supply and demand. The taxpayer's prices were subject to change at any time and occasionally were changed to meet market conditions. No portion of the processing tax imposed upon the taxpayer in 1935 was included as a separate item in invoices for products sold by it, or collected from customers as a separate item. The taxpayer did not pay, as a separate item, processing taxes on pork purchased by it. (R. 593.)

The net sales (gross, less freight and adjustments), cost of sales, distribution expenses, operating profit, and other income and costs of the taxpayer for the taxable year are set out in tabulated form by the Tax Court (R. 594–595). In determining net income for the fiscal year ended October 31, 1934, the taxpayer deducted $167,029.08 for processing taxes (R. 596).

The taxpayer communicated with other packers in Louisville, Kentucky, to obtain a record of their operations during the six-year period preceding the imposition of the processing tax on

hogs for the purpose of making a comparison of their average margin for such period with the taxpayer's margin for the taxable year, but without success. The Commissioner did not furnish the taxpayer with such data. The taxpayer, in its unjust enrichment tax return, or otherwise, has not furnished the Commissioner with any marginal computations of representative concerns for the six-year period preceding the imposition of the processing tax, nor has it requested the Commissioner to furnish it such information. (R. 597-598.)

For the fiscal year ended October 31, 1934, the taxpayer paid processing taxes in the amount of $167,029.08. The taxpayer paid processing taxes of $36,236.80 for the months of November and December, 1934. (R. 597.) Processing taxes in the amount of $95,048.62 for the remainder of the taxable year ended October 31, 1935, were imposed upon but not paid by the taxpayer (R. 597) due to a restraining order against collection of the tax (R. 596). The taxpayer filed an unjust enrichment tax return on May 15, 1937, disclosing a loss of $136,283.92 in pork operations during the entire taxable year. The return was not placed in evidence. (R. 598.)

The Commissioner computed a net income of $101,041.89 for the entire taxable year from the sale of articles processed from hogs, and net income of $91,665.93 from the sale of pork with respect to which the processing tax was imposed but

not paid (R. 598). He determined that the entire amount of unpaid processing tax, computed to be $87,058.73, instead of $95,048.62, was income to the taxpayer and subject to the unjust enrichment tax imposed by Title III of the Revenue Act of 1936 (R. 597–598).

In his determination of the deficiency, the Commissioner eliminated sales of purchased pork from his computation of net income by deducting from the total of all sales of pork products, the cost of such pork, plus 1½ cents per pound, the total thus deducted being $178,922.54. The mark-up of 1½ cents per pound was estimated by the Commissioner. (R. 598–599.)

After the Tax Court rendered its opinion on the basis of these findings (R. 599–621), motions for reconsideration were filed by the Commissioner (R. 621–630) and by the taxpayer (R. 630–645). An order modifying the opinion in certain respects was thereafter entered (R. 649–655). The Tax Court determined a deficiency in unjust enrichment tax for the taxable year ended October 31, 1935, in the amount of $38,840.41, and a penalty of $9,710.10 (R. 661). This decision was entered in accordance with a computation submitted by the Commissioner, to which the taxpayer filed written agreement (R. 661).

The taxpayer (R. 662) and the Commissioner (R. 664–665) petitioned for a review of the decision of the Tax Court. The circuit court of appeals affirmed the decision of the Tax Court ex-

cept that it held that error had been committed in allowing certain legal fees as a deductible item in computing net income (R. 688–689).[1]

ARGUMENT

1. The taxpayer argues that the Commissioner's determination of a tax deficiency, being based neither on evidence that the tax burden had been shifted nor on the statutory presumption arising out of marginal comparisons (see Section 501 (e), Appendix, *infra,* pp. 18–19), was arbitrary and void. On that premise, it invokes the decision of this Court in *Helvering* v. *Taylor,* 293 U. S. 507, as authority for the proposition that the courts below improperly accepted the Commissioner's determination as presumptively correct and erroneously failed to place the burden on the Commissioner to prove the amount of tax due (Pet. 27–29).

A short answer to this contention is that the determination, being supported by the evidence in this record, is not arbitrary and capricious. The Tax Court held that the evidence as a whole showed that the taxpayer had shifted the burden of the unpaid processing taxes (R. 601). In keeping its books and making its sales, the taxpayer treated those taxes as items of cost (R. 353–355, 258–259). It endeavored to obtain the highest possible prices for its products (R. 358)

[1] The taxpayer waives any issue as to this item in its petition for certiorari (Pet. 17).

and it recovered the amount of the processing taxes as an item of cost (R. 359). The taxing act contemplated that the consuming public should pay the processing tax.[2] Since the taxpayer endeavored to pass the tax on, this necessarily gave rise to the inference that the tax was shifted.[3]

The second facet of the taxpayer's argument in this respect is equally untenable. This argument is based upon the theory that, since the taxpayer was not in business during the six-year base period before the imposition of the tax, the Commissioner, under Section 501 (f) (Appendix, *infra,* pp. 19–20), had the duty of producing, for use in computing the presumptive amount of tax shift under Section 501 (e), an average margin for such base period from a comparison with representative concerns engaged in a similar business and similarly situated. But under Section 503 (b) (Appendix, *infra,* p. 21) and Article 27 (b) of Treasury Regulations 95 (Appendix, *infra,* p. 23), it was the duty of the taxpayer to file a return on the pre-

[2] *United States* v. *H. T. Poindexter & Sons Mer. Co.*, 128 F. 2d 992 (C. C. A. 8th). And the meat-packing industry generally sought to shift the burden of the tax to the public. See *Cudahy Packing Co.* v. *United States*, 152 F. 2d 831, 835–836 (C. C. A. 7th).

[3] *Colonial Milling Co.* v. *Commissioner*, 132 F. 2d 505 (C. C. A. 6th); *Greenwood Packing Plant* v. *Commissioner*, 131 F. 2d 815 (C. C. A. 4th); *Andrew Jergens Co.* v. *Conner*, 125 F. 2d 686 (C. C. A. 6th); *Sellmayer Packing Co.* v. *Commissioner*, 146 F. 2d 707 (C. C. A. 4th).

scribed form and to clearly set forth the data called for therein. Furthermore, Section 501 (e) (2) is applicable only if the taxpayer so elects in filing his return on that basis. The tax return filed by the taxpayer was not placed in evidence (R. 598, 604); consequently there is no showing that the taxpayer made the required election or that it furnished in its returns the information required by the statute and the regulations.[4] Cf. *Angelus Milling Co.* v. *Commissioner,* 325 U. S. 293. All the record shows (R. 603) is that the tax return claimed a net loss of $136,283.92 for the taxable year which, under Section 501 (a) (1) (Appendix, *infra,* p. 17), would, if true, avoid the payment of any unjust enrichment tax. The taxpayer did not submit in its tax return or otherwise any marginal computations of representative concerns and did not at any time request the Commissioner to furnish such information. (R. 597–598.) Indeed, it did not even submit marginal data with respect to its own operation for the taxable year involved. Without this no comparison with the margins of representative concerns could be made. *Lee Wilson & Co.* v. *Commissioner,* 123 F. 2d 232 (C. C. A. 8th).

It is obvious, therefore, that *Helvering* v. *Taylor,* 293 U. S. 507, is not applicable here. In

[4] See *Lee Wilson & Co.* v. *Commissioner*, 123 F. 2d 232 (C. C. A. 8th), holding that failure to furnish such marginal data does not require the Commissioner to furnish information as to the average margins of similar concerns.

that case, it was shown by the taxpayer's evidence that the Commissioner's apportionment of value between preferred and common stock was "arbitrary and excessive". (P. 515.) Nevertheless, the Board of Tax Appeals had sustained the Commissioner's determination. That is not the situation here. The Commissioner's determination here was supported by the evidence.

The case of *Pyramid Coal Corp.* v. *Commissioner,* 138 F. 2d 748 (C. C. A. 7th), relied upon by the taxpayer (Pet. 7) as creating a conflict, contains a statement that, on the facts there involved, the Commissioner should have determined the taxpayer's average margin by comparison with other representative concerns. That view was taken only after the court had disapproved of the procedure which the Commissioner employed. Here the courts below found plain support from the record to sustain the Commissioner's determination as modified in the taxpayer's favor (R. 600–601). The *Pyramid Coal* case does not suggest that in such circumstances there should be any inquiry into the average margins of representative corporations. As a matter of fact, the observations in the *Pyramid Coal* case seem to be pure dictum, since the court did not remand the case or require the Commissioner to make a comparison with representative concerns. On the contrary, the court expressly found (p. 751) that the taxpayer's affirmative evidence was sufficient to overcome any presumption that it shifted any part of the tax

and reversed the Tax Court's determination on that ground. The taxpayer's argument with respect to the *Pyramid Coal* case obviously depends upon an acceptance of its premise that the Commissioner's determination was arbitrary under the principle of *Helvering* v. *Taylor, supra.* As shown above, that case has no application here.

While the taxpayer (Pet. 17–20) criticizes the opinions of the circuit court of appeals, it is clear that that court reached a correct result even if it be assumed that reliance was placed upon a wrong ground or upon a wrong reason.[5] The court's discussion of whether the statute and regulations required an additional tax may be disregarded. The court did not require any additional imposition upon the taxpayer, but affirmed the decision of the Tax Court except with respect to an issue which the taxpayer now concedes. No substantial error can be predicated upon views which thus did not result in any prejudice.

2. The Tax Court did not err in allocating receipts and expenses between own-slaughtered and purchased pork in determining the amount of net income subject to the tax imposed by Section 501 (a) (1) of the Revenue Act of 1936. It took voluminous evidence and considered the case for more than a year before rendering its findings of fact and opinion. Motions for reconsideration by the Commissioner and the taxpayer

[5] *Helvering* v. *Gowran*, 302 U. S. 238, 245–246; *Riley Co.* v. *Commissioner*, 311 U. S. 55, 59.

followed and were considered by the Tax Court for nearly another year before it entered an order (R. 649–655) amending its original opinion in certain respects. The outcome of all this was that the Tax Court agreed with the Commissioner on some problems of allocation and with the taxpayer on others; and on still others it disagreed with both and acted on its independent view of the evidence (R. 609–620). Certainly, it and the court below were correct in declining to disregard the Commissioner's determination entirely merely because some inaccuracies and errors were found. Cf. Pet. 21, 23, 31–33. The taxpayer and its witnesses repeatedly stated that any allocation must necessarily rest upon estimates and assumptions which in their nature could not be more than roughly accurate (R. 202, 282, 415, 607).

The Tax Court's findings are amply supported by the evidence. As pointed out by the circuit court of appeals (R. 686), the findings of fact and the opinion deal with every factual aspect of the controversy. And it is clear that fixing on an appropriate allocation formula is exclusively the function of the Tax Court under principles well settled by this Court.[6]

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[6] *Dobson* v. *Commissioner*, 320 U. S. 489, rehearing denied, 321 U. S. 231; *Commissioner* v. *Scottish American Co.*, 323 U. S. 119; *Boehm* v. *Commissioner*, 326 U. S. 287, 293; *Wilmington Co.* v. *Helvering*, 316 U. S. 164.

CONCLUSION

The courts below correctly decided this case. There is no conflict of decisions nor any other objection warranting review by this Court. The petition for a writ of certiorari should, therefore, be denied.

Respectfully submitted.

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NOVEMBER, 1946.

APPENDIX

Revenue Act of 1936, c. 690, 49 Stat. 1648:

TITLE III—TAX ON UNJUST ENRICHMENT

SEC. 501. TAX ON NET INCOME FROM CERTAIN SOURCES.

(a) The following taxes shall be levied, collected, and paid for each taxable year (in addition to any other tax on net income), upon the net income of every person which arises from the sources specified below:

(1) A tax equal to 80 per centum of that portion of the net income from the sale of articles with respect to which a Federal excise tax was imposed on such person but not paid which is attributable to shifting to others to any extent the burden of such Federal excise tax and which does not exceed such person's net income for the entire taxable year from the sale of articles with respect to which such Federal excise tax was imposed.

* * * * *

(c) The net income from the sales specified in subsection (a) (1) shall be computed as follows:

(1) From the gross income from such sales there shall be deducted the allocable portion of the deductions from gross income for the taxable year which are allowable under the applicable Revenue Act; or

(2) If the taxpayer so elects by filing his return on such basis, the total net income for the taxable year from the sale of all articles with respect to which each Federal excise tax was imposed (computed by deducting from the gross income from

such sales the allocable portion of the deductions from gross income which are allowable under the applicable Revenue Act, but without deduction of the amount of such Federal excise tax which was paid or of the amount of reimbursement to purchasers with respect to such Federal excise tax) shall be divided by the total quantity of such articles sold during the taxable year and the quotient shall be multiplied by the quantity of such articles involved in the sales specified in subsection (a) (1). Such quantities shall be expressed in terms of the unit on the basis of which the Federal excise tax was imposed.

For the purposes of this section the proper apportionment and allocation of deductions with respect to gross income shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

* * * * *

(e) For the purposes of subsection (a) (1), (2), and (3), the extent to which the taxpayer shifted to others the burden of a Federal excise tax shall be presumed to be an amount computed as follows:

(1) From the selling price of the articles there shall be deducted the sum of (A) the cost of such articles plus (B) the average margin with respect to the quantity involved; or

(2) If the taxpayer so elects by filing his return on such basis, from the aggregate selling price of all articles with respect to which such Federal excise tax was imposed and which were sold by him during the taxable year (computed without deduction of reimbursement to purchasers with

respect to such Federal excise tax) there shall be deducted the aggregate cost of such articles, and the difference shall be reduced to a margin per unit in terms of the basis on which the Federal excise tax was imposed. The excess of such margin per unit over the average margin (computed for the same unit) shall be multiplied by the number of such units represented by the articles with respect to which the computation is being made; but

(3) In no case shall the extent to which the taxpayer shifted to others the burden of the Federal excise tax with respect to the articles be deemed to exceed the amount of such tax with respect to such articles minus (A) the portion of the amount of the Federal excise tax (or of the reimbursement specified in subsection (a) (2)) with respect to the articles which is paid or credited by the taxpayer to any purchasers as specified in subsection (f) (3) and minus (B) the amount of any increase in the tax under section 602 of the Revenue Act of 1932 for which the taxpayer under this section became liable as the result of the nonpayment or refund of the Federal excise tax with respect to the articles.

(f) As used in this section—

(1) The term "margin" means the difference between the selling price of articles and the cost thereof, and the term "average margin" means the average difference between the selling price and the cost of similar articles sold by the taxpayer during his six taxable years preceding the initial imposition of the Federal excise tax in question, except that if during any part of such six-year period the taxpayer was not in business, or if his records for any part of such period are so inadequate as not to

furnish satisfactory data, the average margin of the taxpayer for such part of such period shall, when necessary for a fair comparison, be deemed to be the average margin, as determined by the Commissioner, of representative concerns engaged in a similar business and similarly circumstanced.

(2) The term "cost" means, in the case of articles manufactured or produced by the taxpayer, the cost to the taxpayer of materials entering into the articles; or, in the case of articles purchased by the taxpayer for resale, the price paid by him for such articles (reduced in both cases by the amount for which he is reimbursed by his vendor).

* * * * *

(i) Either the taxpayer or the Commissioner may rebut the presumption established by subsection (e) by proof of the actual extent to which the taxpayer shifted to others the burden of the Federal excise tax. * * *

* * * * *

(j) As used in this section—

(1) The term "Federal excise tax" means a tax or exaction with respect to the sale, lease, manufacture, production, processing, ginning, importation, transportation, refining, recovery, or holding for sale or other disposition, of commodities or articles, provided for by any Federal statute, whether valid or invalid, if denominated a "tax" by such statute. A Federal excise tax shall be deemed to have been imposed with respect to an article if it was imposed with respect to (or with respect to the processing of) any commodity or other article, from which such article was processed.

* * * * *

SEC. 503. ADMINISTRATIVE PROVISIONS.

(a) All provisions of law (including penalties) applicable with respect to taxes imposed by Title I of this Act, shall, insofar as not inconsistent with this title, be applicable with respect to the taxes imposed by this title, except that the provisions of sections 101, 131, 251, and 252 shall not be applicable.

(b) Every person (1) upon whom a Federal excise tax was imposed but not paid, * * * shall make a return under this title, which return shall contain such information and be made in such manner as the Commissioner, with the approval of the Secretary, shall prescribe. * * *

* * * * *

Treasury Regulations 95, promulgated under Section 501 (c) of the Revenue Act of 1936:

ART. 10. *Apportionment and allocation of deductions in computing net income.*— No general rule may be stated for ascertaining the proper proportion of the allowable deductions from gross income which are deductible pursuant to sections 501 (c) (1) and 501 (c) (2) of the Act. The statutory term "gross income" means the gross profit from sales ascertained by deducting from the amount of the "sales" the "cost of goods sold." In determining the gross income from sales, no deductions should be made for such items as selling expense, losses, interest or borrowed money, general administrative expense or items not ordinarily used in computing the "cost of goods sold," and certain items of depreciation and taxes. However, it is recognized that no uniform method of accounting can be prescribed for all taxpayers and the law contemplates that each taxpayer shall adopt

such forms and system of accounting as shall clearly reflect his income. Accordingly, if the taxpayer, as a consistent practice, has charged some of the above items to "cost of goods sold" such practice will not be disturbed unless the method of computing the "cost of goods sold" does not reflect the true net income, in which case proper adjustment will be required.

The allowable deductions from gross income (under the Revenue Act applicable to the taxable year in question) which appertain to the articles with respect to which the computation is being made and have not been included in computing the "cost of goods sold" shall be allocated and apportioned as follows:

(1) Deductions specifically applicable to particular items of gross income shall be allocated to such items:

(2) No rule may be stated for allocating or apportioning the deductions which can not be allocated under paragraph (1), above, that would be applicable in all cases. The proper allocation of these deductions will depend upon the facts and circumstances in each case. However, it may be stated that such deductions may ordinarily be apportioned ratably over all items of gross income.

The taxpayer should include as a part of his return a statement explaining the manner in which he ascertained and reported in the return the "cost of goods sold," and showing the method of allocation and apportionment of the deductions allowable under the applicable Revenue Act."

Art. 27. *Returns.*—

* * * * *

(b) The return shall be under oath and shall be made on the prescribed form in accordance with the instructions printed thereon and in accordance with the regulations. Copies of the prescribed return forms may be obtained by taxpayers from collectors. A taxpayer will not be excused from making a return because of the fact that no return form has been furnished to him. Taxpayers should make application therefor to the collector in ample time to have their returns prepared, verified, and filed with the collector on or before the due date. Each taxpayer shall carefully prepare his return so as fully and clearly to set forth the data therein called for. Returns which have not been so prepared will not be accepted as meeting the requirements of the Act.

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